United Nations A/53/304

General Assembly

Distr.: General
26 August 1998

Original: English

Fifty-third session
Item 113 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Question of enforced or involuntary disappearances

Report of the Secretary-General

1. At its fifty-first session, the General Assembly adopted resolution 51/94 of 12 December 1996 entitled "Question of enforced or involuntary disappearances", in which it reaffirmed that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and developed in other international instruments in this field, as well as a violation of the rules of international law. The General Assembly also reiterated its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations. It also encouraged States to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered, and requested all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in the national and local languages. In conclusion, the Assembly requested the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration and to submit to it at its fifty-third session a report on the steps taken to implement the resolution.

2. In conformity with resolution 51/94, the Department of Public Information has undertaken several activities, including distribution of the full text of the Declaration on the Protection of All Persons from Enforced Disappearance, published by the former Centre for Human Rights (see Fact Sheet No. 6 (Rev. 2)). The Department of Public Information booklet of the text of the Declaration continues to be distributed through United Nations information centres, to United Nations peacekeeping offices and the specialized agencies of the United Nations. The text of the Declaration is also available on the United Nations

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website on the Internet, under the section on General Assembly resolutions. In addition, the Department's Public Liaison Service at Headquarters makes the Declaration available to the general public and educational institutes upon request.

3. In the field, the Department's network of information centres and services and United Nations offices have copies of publications containing the Declaration in their reference libraries for use by interested students, researchers and academicians. They also distribute copies to media and non-governmental organizations and at special events such as the annual celebration of Human Rights Day and activities to mark the fiftieth anniversary of the Universal Declaration of Human Rights.

4. In 1997 and 1998, the Department of Public Information prepared background press releases and organized press conferences for members of the Working Group on Enforced or Involuntary Disappearances at the end of its annual sessions at Headquarters. During the current biennium, the Department will produce special media information and a backgrounder on the question of enforced disappearances. Every opportunity will be used to promote the elements of the Declaration in briefings and events dealing with the United Nations and human rights at Headquarters, Geneva and throughout the network of United Nations information centres and services.

5. The field offices of the United Nations High Commissioner for Human Rights have also actively distributed the Declaration to local non-governmental organizations and other interested parties. The Declaration is also included as part of the background for training projects on the administration of justice being developed in the framework of the human rights' advisory services, technical assistance and information programme.

6. The Working Group on Enforced or Involuntary Disappearances has been entrusted by the Commission on Human Rights with the task of monitoring States' compliance with their obligations deriving from the Declaration. The Working Group has stressed that States are under an obligation to take effective measures to prevent and terminate acts of enforced disappearance, in particular by making them continuing offences under domestic criminal law and by establishing civil liability. It has also recalled that the Declaration refers to the right to prompt and effective judicial remedy, as well as unhampered access by national authorities to all places of detention, the right of habeas corpus, the maintenance of centralized registers of persons deprived of their liberty, the duty to investigate fully all alleged cases of disappearances, the duty to try alleged perpetrators of disappearances before ordinary courts, the exemption of the criminal offence of acts of enforced disappearance from statutes of limitations, special amnesty laws and similar measures leading to impunity. The Working Group periodically reminds Governments of these obligations and draws the attention of non-governmental organizations to the general and specific aspects of the Declaration.

7. The Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights also adopts in its reports general comments on those provisions of the Declaration that might need further explanation and continues to issue country-specific observations regarding the implementation of the Declaration.

8. It should be noted that, since its establishment in 1980, the Working Group has transmitted a total of 47,964 cases to 76 Governments. There are now 45,163 cases under active consideration by the Working Group, some involving individuals who have been missing for more than 20 years. The Group has clarified 2,801 cases since its inception. During 1997, the Working Group received some 1,247 new cases of disappearance in 26 countries and clarified 122 cases.

9. During its fifty-fourth session, held at Headquarters from 13 to 17 July 1998, the Working Group clarified 50 cases as a result of replies and communications with Governments, sources and families. The Working Group reviewed 98 new cases and transmitted reports on them to various Governments. Another 108 cases were transmitted during 1998 as urgent actions, as soon as the Working Group received the correspondents' complaints.

10. The Working Group on Enforced or Involuntary Disappearances was the first thematic mechanism established by the Commission on Human Rights charged with the task of investigating gross violations of human rights in all countries of the world and publicly reporting on their findings. It has played a pioneering role as a channel of communication between victims, families, non-governmental organizations and Governments, as well as in the promotion and the interpretation of the Declaration on the Protection of All Persons from Enforced Disappearance. It continues to call upon all Governments to investigate and clarify past cases of enforced or involuntary disappearances, to bring the perpetrators to justice, to exhume mortal remains and to pay adequate compensation to the victims and their families, taking effective measures to prevent enforced disappearances even in emergency situations.